

Jan Wouters and Katrien Meuwissen (Eds.), *National Human Rights Institutions in Europe: Comparative, European and International Perspectives*. Antwerp: Intersentia, 2013. ISBN: 978-1-78068-114-6. GBP 90.

The reviewed volume is a concrete result of one of the projects financed under the European Cooperation in Science and Technology (COST) Programme. It reaffirms thereby the added value of this programme, which basically creates opportunities for academic and other organizations to develop fruitful cooperating by financing the necessary structures including conferences and workshops. This provides the EU with a rich body of knowledge that is necessary for the development of solid policies.

The theme of the volume, the National Human Rights Institutions (NHRIs) in Europe, is a most timely topic, as the role of the NHRIs may not be underestimated. This is argued in a most convincing way by Jařab who says that "... one essential role for NHRIs is to remind societies of their imperfection (in terms of human rights) ..." (p. 290). This is also true for the European Union as such and its individual Member States.

The book brings together a rich body of information on and analysis of the existing NHRI system: it fully meets the aim of advancing knowledge in this field by not only comparing various national (Danish, Polish, Dutch and Belgian) institutions but also putting these into

European and international contexts and perspectives. The contributions are all of high level and offer interesting information but also “food for thought”.

It is apparent that the authors of some of the contributions are more closely connected to the institutions that are (part of) their subject, and thus seem a bit more inclined to mention the challenges and shortcomings in terms of external factors, but nevertheless all contributions offer critical perspectives and provide insight in the questions to be dealt with.

All NHRIs have in common that they are based on the “Paris Principles” adopted by the United Nations General Assembly in 1993 (UN GA Resolution 48/134 of Dec. 1993). The NHRIs occupy what Roberts calls the “Fourth Space” (p. 227): being neither State representatives, nor NGOs, nor international organizations: their role is described as “bridge builders” (p. 265) both between the different national-regional-international levels of human rights protection, and between the different institutions and actors. The Paris Principles themselves are rather vague and only set very broad minimal standards related to the mandate and independent structure of the institutions. They allow a very large variety of institutions with different composition and mandates. Not surprisingly, one of the recommendations in the conclusion is to update the Paris Principles themselves (p. 300).

Some recurring challenges have to be taken into account in the ongoing process of establishment of NHRIs, the regional and international cooperation and participation structures and the international organization of the NHRIs themselves. Independence has already been mentioned as one of the most important requirements of the Paris Principles. It is described by Jařab as “the core of their legitimacy” (p. 227). The first aspect of independence is related to the (procedures for) appointment and dismissal. This can have different aspects: thus the possibility of re-election of the office-holder is seen as a threat for the independence of the institution in Poland “since a person standing for re-election may avoid raising issues uncomfortable for the ruling party... (p. 64)”, whereas this seems not to be seen as a problem in other countries.

Independence is also related to the available budget and human resources, which is mentioned as a matter of serious concern in many contributions. Therefore, the editors recommend that a broader comparative study should include a qualified comparison of the available budgets. Some contributions on the national institutions mention the amount of their budget (or part of it) but a thorough insight cannot be gained without relating the budget to the tasks, the mandate, the national economic standards etc. This will also demand transparency of the NHRIs themselves. A certain lack of transparency also plays a role in the procedure for accreditation of NHRI’s by the Accreditation Subcommittee of the International Coordinating Committee of National Institutions (see contributions of De Beco and Meuwissen, at pp. 261 and 281). Accreditation offers a NHRI special status at the United Nations.

The need for pluralism in the institutions themselves is another requirement that is easier said than done, not only because it is difficult for single-member Ombudsman-like institutions, such as exist in Poland. Pluralism can, however, increase the independence and the due attention to “persons at risk”, as Jařab rightly holds that these deserve specific attention “to guarantee their effective equality” (p. 293).

Many authors stress that more attention should be given to (the evaluation of) the effectiveness of the NHRIs. This aspect is missing in the Paris Principles. These days, “impact assessment” is emphasized as valuable tool to ensure compatibility with fundamental rights and related policy standards (p. 194), and this can also be applied to the NHRIs. It will not be an easy task to develop a valid model to measure the effectiveness or impact of the NHRIs, demanding an interdisciplinary exercise which takes national dimensions into account. Different institutions have different mandates and tasks, including often specific tasks assigned to specialized bodies, such as equality bodies, and based on different international conventions, such as the Convention on the Rights of People with Disabilities.

The wide scope of human rights demands prioritization. All NHRIs seem to identify priorities, mostly in close consultation with all other stake-holders, notably NGOs, to enable them to make deliberate choices. However, it seems not possible to exclude other themes when human rights interests are at risk. As the NHRIs also act as bridges between the national level and the regional and international level, a true two-way system is required. Thus, the increasing

regional and international structures of cooperation of national NHRIs are of utmost importance: these may also increase effectiveness at the regional and international levels. The role of the NHRIs' interventions at the ECtHR is described by Buyse, revealing the impact and effectiveness of bringing the information at a higher level. Wouters and Meuwissen refer to similar opportunities at the ECJ.

In the EU the Fundamental Rights Agency provides an effective platform, but at the level of the Council of Europe only recently steps have been taken to provide a structure for the regional NHRI group.

At the UN level, the accredited national institutions are recognized as partners by both the Human Rights Council and the treaty bodies, but in practice the interaction between the two is far from ideal as can be read in various contributions. The 2006 Berlin Statement for a harmonized approach for treaty-body engagement with NHRIs has never been formally adopted by the treaty bodies, leaving the NHRIs with a patchwork of procedures and formats (see also Boerefijn, "Partnership between national human rights institutions and the human rights treaty bodies in the implementation of concluding observations" in Haeck et al., *The Realization of Human Rights: When Theory Meets Practice*, Intersentia, 2013).

NHRIs play an increasingly important role in the implementation of human rights at the national level and at the same time bring the national and regional experiences to the international level. Their *sui generis* role at the crossroads of different levels and in cooperation with different actors demands a "multi-dimensional engagement" (p. 305), which, as the editors say, can make it also difficult to retain a balanced and independent position which brings us back to the first requirement of an NHRI.

These and many other aspects are discussed in this volume, often from different angles but allowing the reader to become aware of the different challenges and pitfalls. The various aspects are interrelated: effectiveness depends also on the other actors, limited resources make choices necessary, independence can influence effectiveness (unpopular views will not easily be followed, though they may prove their value in the long term) etc. In grasping this complex picture it is good to remember the first sentence of the contribution by Adamson: "Any discussion about human rights should be about people, not institutions" (p. 127), emphasizing in the second sentence that we need a strong institutional framework to promote and protect the human rights. The present volume offers a rich amount of input to improve the human rights of people by strengthening the NHRIs.

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